

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

RAYMOND C. JACKSON, JR. §
VS. § CIVIL ACTION NO. 9:21-CV-61
R.N. OVERSTREET, *et al.*, §

ORDER PARTIALLY ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Raymond C. Jackson, Jr., an inmate confined at the Gib Lewis Unit with the Texas Department of Criminal Justice, Correctional Institutional Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Defendants Nurse Overstreet, Manager Lorena Steinbecker, Senior Warden Morgan, Assistant Warden Sells, Major Marshall, and Classifications Clerk Odell.

The court referred this matter to the United States Magistrate Judge, at Lufkin, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommended that this case be dismissed without prejudice for failure to exhaust administrative remedies (Doc. # 2).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Plaintiff filed Objections to the Report and Recommendation on April 21, 2021 (Doc. # 4). However, on April 26, 2021, Plaintiff then filed a Motion to Dismiss (Doc. # 5). In the Motion to Dismiss, Plaintiff states he has been advised that he will be transferred from the Gib Lewis Unit which alleviates his need for an emergency injunction. *Id.* In the interest of justice and his desire to not further burden the court, Plaintiff asks that this civil action be dismissed. *Id.* Plaintiff has an absolute right to voluntarily dismiss his claims pursuant to Federal Rule of Civil Procedure 41(a)(1).¹

¹The Defendants have not been ordered to answer. The Report and Recommendation was issued pursuant to 28 U.S.C. § 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B).

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **PARTIALLY ADOPTED** to the extent it recommends dismissal. A Final Judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this the **20** day of **September, 2021**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge